

REMARKS

The Office Action dated February 11, 2003 has been read and carefully considered and the present amendment submitted in order to more clearly define the claims describing the invention.

In particular, in the aforesaid Office Action, claims 1-5, 8 and 15-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Feld, U.S. Patent 6,076,212 in view of Wakeland, U.S. Patent 4,109,887. Claims 9-13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kessel *et al*, U.S. Patent 4,501,033 in view of Feld, and further in view of Wakeland. Claims 6-7, 14 and 18 were objected to as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Accordingly all of the independent claims have been amended to better define the invention, it being submitted, however, that the claims as originally drafted distinguished the present invention over those references. In any event, taking claim 1 for example, it is now clear that the snap on protective device of the present invention includes an elongated member having outside edges and that each of those edges has a lip that is adapted to fit around an exterior edge of the bed frame component. Additionally, there is a projection formed in the elongated member adjacent to said lip to sandwich the external edge of said bed frame component between said lip and said projection.

By that language, it is clear that both of the outside edges contribute to the snap of the protective member over the bed frame component to retain the protective member thereto. It is also clear from the stated claim language that it is the sandwiching of the exterior edges of the bed frame component between a lip and a projection that affixes the elongated member to the bed frame component and language to that effect has been added that when so affixed, the elongated member intermediate the outside edges is

slightly bowed away from the frame component and which even further distinguishes the present invention over the cited references.

With that in mind, therefore, turning now to the cited references, it should first be noted that Feld is simply not a snap on protective member. To the contrary, in Figs. 1 and 2 of Feld, the safety device is a compressible material that is affixed to the steel rail by means of an adhesive layer 30 that is applied intermediate the steel rail and the protective member to affix the protective member thereto. As stated, column 6, lines 62 *et seq*, there is an abutment surface 21 that overlaps the top edge 13 of the vertical leg 11, however, it is stated that the abutment surface may be "of negligible value in securing the safety device 20 to the L-shaped steel rail 10".

In the Feld Fig. 3-5 embodiment, the means of securing the safety device 20 to the steel rail 10 is by means of dip molding and which, therefore, is certainly not relevant to the present invention where the protective member is snapped onto the bed frame component and which operation can be carried out in the home of the bed frame owner or user easily, without tools, to provide protection to the bed frame against injury to a person inadvertently running into the bed frame.

Thus, in the Feld patent, the safety device 20 is affixed to the steel rail by dip coating or by an adhesive; it being noted that at column 7, lines 58 *et seq*, the patentee suggests that both dip coating and adhesive bonding may be utilized in affixing the safety device to the steel rail. In the Fig. 6 and 7 embodiment, the Feld reference again resorts to the use of an adhesive to affix the safety device to the steel rail. In any event, a substantial surface of the safety device must be in contact with the surface of the rail or other structural member in order to make the adhesive effective and thus the concept of a "snap on" affixing of the safety device to the bed frame member is simply not present in the Feld reference.

As now claimed, therefore, the additional language to the effect that the elongated member of the present invention is, when affixed to the bed frame member, slightly bowed

away from the bed frame component emphasizes the "snap on" nature of Applicants protective member as opposed to the adhesively secured safety device of Feld since the slightly bowed configuration of the elongated member intermediate its outside edges negates the use of an adhesive to secure the device to the bed frame component and more positively illustrates and claims the "snap on" type of affixation of the present application.

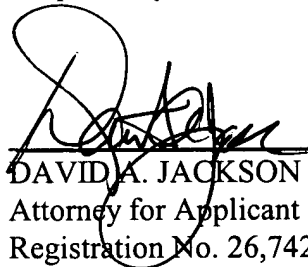
Thus, it is submitted that the present invention, as now claimed, is distinguished over the Feld reference for the foregoing reasons.

As to the applicability of the secondary reference of Wakeland, that reference relates to a cap for a waterbed and, in Figure 10, there are a plurality of detents 101 that hold the cap to a side wall 3 of the waterbed. The detents of Wakeland are not for the same purpose as the projections of Applicant's invention, now would they even appear to be usable in the manner of Applicant's projections to sandwich the edge of a bed frame component between a projection and a lip to provide a combined means of snapping any kind of element to a bed frame component.

Additionally, of course, the combination of the Feld reference where the safety device is adhesively secured to a surface of a bed rail, with some type of detents of Wakeland would seem to thwart the very purpose of Feld's adhesively securing a safety device to a bed rail and thus would make the affixing of Feld useless since the detents would prevent good surface to surface contact necessary for the adhesive securing of the safety device to the steel rail of Feld.

As such, it is submitted that the claims as now amended, are patentable over the references of record and an allowance of the present application is respectfully solicited.

Respectfully submitted,



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